

**AMENDMENT TO H.R. 5005, AS REPORTED**  
**OFFERED BY MR. WELDON OF FLORIDA**

At the end of section 402 (relating to functions transferred) insert the following:

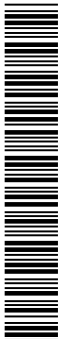
1                   (9) The Visa Office of the Bureau of Con-  
2                   sular Affairs of the Department of State, in-  
3                   cluding the functions of the Secretary of State,  
4                   relating thereto.

In section 403 (relating to visa issuance) strike subsections (a) through (f) and insert the following (and redesignate subsection (g) as subsection (i)):

5           (a) **AUTHORITY.**—Notwithstanding the provisions of  
6 section 104 of the Immigration and Nationality Act (8  
7 U.S.C. 1104) or any other law, the Secretary shall have  
8 exclusive authority to issue regulations with respect to, ad-  
9 minister, and enforce the provisions of that Act and all  
10 other immigration and nationality laws relating to the  
11 granting or refusal of visas.

12           (b) **TRANSITION.**—

13                   (1) **IN GENERAL; DETAILS.**—During the 2-year  
14 period beginning on the effective date of this Act,  
15 there shall be a transition period. During this period  
16 consular officers (as defined in section 101(a)(9) of  
17 the Immigration and Nationality Act (8 U.S.C.

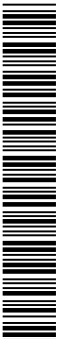


1 1101(a)(9))) of the Department of State and other  
2 foreign service officers in the Visa Office, to the ex-  
3 tent they are involved in the granting or refusal of  
4 visas or any other documents required for entry into  
5 the United States, shall be detailed to the Depart-  
6 ment of Homeland Security. A detail under this sub-  
7 section may be terminated at any time by the Sec-  
8 retary.

9 (2) MAINTENANCE OF ROTATION PROGRAM.—  
10 During the transition period described in paragraph  
11 (1), the Secretary of State shall maintain and ad-  
12 minister the current rotation program (at least at  
13 the employment level in existence on the date of en-  
14 actment of this Act) under which foreign service offi-  
15 cers are assigned functions involved in the adjudica-  
16 tion, review, or processing of visa applications.

17 (3) TERMINATION OF TRANSITION PERIOD.—  
18 The transition period may be terminated within the  
19 2-year period described in paragraph (1) by the Sec-  
20 retary after consultation with the Secretary of State.

21 (4) EXISTING EMPLOYEES OF VISA OFFICE.—  
22 Employees of the Visa Office who are not foreign  
23 service officers shall become employees of the De-  
24 partment of Homeland Security immediately upon



1 the effective date of the transfer of the Visa Office  
2 to the Department under this title.

3 (c) TRAINING.—

4 (1) TRAINING PROGRAM.—The Secretary shall  
5 provide for the training of Department personnel in-  
6 volved in the adjudication, review, or processing of  
7 visa applications, specifically addressing the lan-  
8 guage skills, interview techniques, fraud detection  
9 techniques, and other skills to be used by such per-  
10 sonnel.

11 (2) STUDY REGARDING USE OF FOREIGN NA-  
12 TIONALS.—During the transition period, the Sec-  
13 retary shall study the role of foreign nationals in the  
14 review and processing of visa applications, specifi-  
15 cally addressing the following:

16 (A) The proper role, if any, of foreign na-  
17 tionals in such processing.

18 (B) Any security concerns involving the  
19 employment of foreign nationals.

20 (C) Whether there are cost-effective alter-  
21 natives to the employment of foreign nationals.

22 (3) REPORT.—Not later than 2 years after the  
23 date of the enactment of this Act, the Secretary  
24 shall submit a report on the findings of the study  
25 under paragraph (2) to the Committee on Govern-



1       ment Reform, Committee on the Judiciary, and  
2       Committee on International Relations of the House  
3       of Representatives and the Committee on Govern-  
4       mental Affairs, Committee on the Judiciary, and  
5       Committee on Foreign Relations of the Senate.

6       (d) LEGAL EFFECT.—

7           (1) IN GENERAL.—The transfer of authority to  
8       the Secretary in section 403(a) shall not be con-  
9       strued to modify—

10           (A) any ground for such refusal authorized  
11       by law (including grounds under sections 212  
12       and 221(g) of such Act (8 U.S.C. 1182 and  
13       1201(g)));

14           (B) the presumption of immigrant status  
15       established under section 214(b) of such Act (8  
16       U.S.C. 1184(b)) or the effect of failure to es-  
17       tablish eligibility for nonimmigrant status de-  
18       scribed in such section; or

19           (C) the burden of proof placed upon per-  
20       sons making application for a visa or any other  
21       document required for entry under section 291  
22       of such Act (8 U.S.C. 1361) or the effect of  
23       failure to establish eligibility for such visa or  
24       other document described in such section.



1 (2) NONREVIEWABILITY.—No court shall have  
2 jurisdiction to review the granting or refusal of a  
3 visa by the Secretary or a designee of the Secretary.

4 (e) REFUSAL OF VISAS AT REQUEST OF SECRETARY  
5 OF STATE.—Upon request by the Secretary of State, the  
6 Secretary of Homeland Security shall refuse to issue a visa  
7 to an alien if the Secretary of State determines that such  
8 refusal is necessary or advisable in the interests of the  
9 United States.

10 (f) REVIEW OF PASSPORTS ISSUED TO AMERICANS  
11 OVERSEAS.—The Secretary shall have the authority to re-  
12 view requests for passports by citizens of the United  
13 States living or traveling overseas.

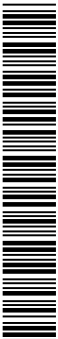
14 (g) CONFORMING AMENDMENTS.—Section 104 of the  
15 Immigration and Nationality Act (8 U.S.C. 1104) is  
16 amended as follows:

17 (1) In subsection (a), by striking “conferred  
18 upon consular officers” and inserting “conferred  
19 upon the Secretary of Homeland Security”.

20 (2) In subsection (c)—

21 (A) in the first sentence, by striking “, a  
22 Visa Office,”; and

23 (B) in the second sentence, by striking  
24 “Directors of the Passport Office and the Visa  
25 Office” and inserting “Director of the Passport



1 Office, and the head of the office of the Depart-  
2 ment of Homeland Security that administers  
3 the provisions of this Act and other immigra-  
4 tion and nationality laws relating to the grant-  
5 ing or refusal of visas,”.  
6 (3) By striking subsection (e).

